

REMARKS

Claims 21-39 are pending in the application.

Claims 21-39 have been rejected.

Claims 21-26, 28-35, 37-39 have been amended, as set forth herein.

I. REJECTION UNDER 35 U.S.C. § 103

Claims 21-39 were rejected under 35 U.S.C. § 103 as being unpatentable over Panarello (US 6,289,370) in view of Shuman (US 6,236,644). The rejection is respectfully traversed. Applicant notes the prior 103 rejection based on Antur and Wallent has been withdrawn.

In *ex parte* examination of patent applications, the Patent Office bears the burden of establishing a *prima facie* case of obviousness. MPEP § 2142; *In re Fritch*, 972 F.2d 1260, 1262, 23 U.S.P.Q.2d 1780, 1783 (Fed. Cir. 1992). The initial burden of establishing a *prima facie* basis to deny patentability to a claimed invention is always upon the Patent Office. MPEP § 2142; *In re Oetiker*, 977 F.2d 1443, 1445, 24 U.S.P.Q.2d 1443, 1444 (Fed. Cir. 1992); *In re Piasecki*, 745 F.2d 1468, 1472, 223 U.S.P.Q. 785, 788 (Fed. Cir. 1984). Only when a *prima facie* case of obviousness is established does the burden shift to the applicant to produce evidence of nonobviousness. MPEP § 2142; *In re Oetiker*, 977 F.2d 1443, 1445, 24 U.S.P.Q.2d 1443, 1444 (Fed. Cir. 1992); *In re Rijckaert*, 9 F.3d 1531, 1532, 28 U.S.P.Q.2d 1955, 1956 (Fed. Cir. 1993). If the Patent Office does not produce a *prima facie* case of unpatentability, then without more the applicant is entitled to grant of a patent. *In re Oetiker*, 977 F.2d 1443, 1445, 24 U.S.P.Q.2d 1443, 1444 (Fed. Cir. 1992); *In re Grabiak*, 769 F.2d 729, 733, 226 U.S.P.Q. 870, 873 (Fed. Cir. 1985).

A *prima facie* case of obviousness is established when the teachings of the prior art itself suggest the claimed subject matter to a person of ordinary skill in the art. *In re Bell*, 991 F.2d 781, 783, 26 U.S.P.Q.2d 1529, 1531 (Fed. Cir. 1993). To establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable

expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed invention and the reasonable expectation of success must both be found in the prior art, and not based on applicant's disclosure. MPEP § 2142. In making a rejection, the examiner is expected to make the factual determinations set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 17, 148 USPQ 459, 467 (1966), *viz.*, (1) the scope and content of the prior art; (2) the differences between the prior art and the claims at issue; and (3) the level of ordinary skill in the art. In addition to these factual determinations, the examiner must also provide "some articulated reasoning with some rational underpinning to support the legal conclusion of obviousness." (*In re Kahn*, 441 F.3d 977, 988, 78 USPQ2d 1329, 1336 (Fed. Cir 2006) (cited with approval in *KSR Int'l v. Teleflex Inc.*, 127 S. Ct. 1727, 1741, 82 USPQ2d 1385, 1396 (2007)).

Claims 21-28

Independent Claim 21 has been amended to recite: providing a graphical user interface configured to display a list of switches, and for one of the switches, a menu of links, each link for accessing, via the internet, a web-page generated by a web-server associated with the switch offering virtual private network functions. Support of these elements/features may be found in the Specification, page 19, line 19 through page 20, line 20; Figure 32.

Applicants respectfully submit that Panarello fails to disclose a GUI for displaying a list of switches and, for one of the switches, a menu of links, with each link for accessing a web-page generated by a web server associated with the switch.

Applicants agree that Panarello discloses a GUI allowing a user to download a web-page of data from a switch. Panarello, Col. 4, lines 11-30. However, the GUI in Panarello does not display a list of switches or a menu of links associated with one of the switches, where each link is operable for accessing a web-page of the switch. Referring to Figures 10-12, there is no disclosure of the GUI listing multiple switches and multiple links per switch – with each link corresponding to a particular web-page. See, Panarello, Figure 10-12. In fact, Panarello teaches that a user inputs a single URL associated with a single switch in order to obtain a page of data from the switch. Panarello describes

that a user specifies a page of data stored in the embedded system, and the page of data is returned to the user. Panarello, Col. 5, line 32 through Col. 6, line 11. No disclosure of a GUI with selectable links for multiple switches and multiple other links is shown or described.

The Office Action next argues that Shuman teaches virtual private network functions, and therefore, it would be obvious to combine Shuman with Panarello to “provide the security between entities in the network.” First, as established above, Panarello does not disclose, teach or suggest all of the other elements/features as set forth in the amended claims.

Second, even if Panarello did, there is no articulated reasoning with a rational underpinning to support the legal conclusion of obviousness. Simply concluding that the teachings should be combined in order to provide security in the network is unsupported by any factual finding. Moreover, the claimed invention is directed to a GUI interface for accessing web-pages of a switch having virtual private network functions. This broad recitation, by itself, does not necessarily relate to or provide security between entities.

There simply is no teaching to incorporate virtual private network functions of Shuman into Panarello, and even if combined, the combination fails to teach or suggest Applicants’ claimed invention. Accordingly, the Applicants respectfully request withdrawal of the § 103(a) rejection of Claims 21-28.

Claims 29-39

The Office Action asserts that the limitations of Claims 29-39 are similar to those found in Claims 21-28 and rejects Claims 29-38 based on the same rationale. Applicant disagrees with respect to the original claims. However, as amended, these claims are allowable for at least the same, or similar, reasons as Claims 21-28, discussed above. Accordingly, the Applicants respectfully request withdrawal of the § 103(a) rejection of Claims 29-39.

II. CONCLUSION

As a result of the foregoing, the Applicant asserts that the remaining Claims in the Application are in condition for allowance, and respectfully requests an early allowance of such Claims.

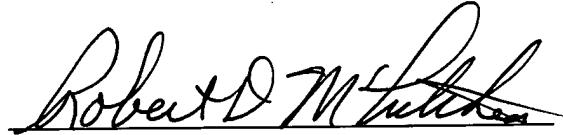
If any issues arise, or if the Examiner has any suggestions for expediting allowance of this Application, the Applicant respectfully invites the Examiner to contact the undersigned at the telephone number indicated below or at rmccutcheon@munckcarter.com.

The Commissioner is hereby authorized to charge any additional fees connected with this communication or credit any overpayment to Nortel Networks Deposit Account No. 14-1315.

Respectfully submitted,

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